

Los Angeles County Probation Oversight Working Group

DRAFT

Working Document: Mission/Vision; Findings; and Recommendations

version 9-13-16

MISSION

The mission of the Los Angeles County Civilian Probation Oversight Commission is to improve the public transparency, accountability, and effectiveness of the Los Angeles County Probation Department by enhancing monitoring and implementation of recommendations; restoring public trust and morale; providing ongoing analysis and oversight of the Department's policies, practices, procedures, and culture to ensure the protection and prioritization of juvenile and adult probationers' needs consistent with best practices; promoting collaboration among relevant agencies and organizations in an integrated countywide service continuum; monitoring ongoing education and training consistent with best practices; further the enhancement of public safety; preserve victims' rights; and, promote the development of positive change.

VISION

The Los Angeles County Civilian Probation Oversight Commission will serve to oversee the Probation Department's adherence to its mission and vision; promote fairness, effectiveness, and efficiency within the Department; and, facilitate internal and external communication and transparency.

FINDINGS (some of these issues go beyond the mandate of the working group's governing motion, but we feel they are related to the oversight of Probation, and critical to highlight)

- **There is a Need for Greater Oversight over Probation's Compliance with a Clear Mission and Consistent Leadership**
Probation seems to lack a clear mission that drives its practice (aside from laws and mandates). This void can be felt throughout the department; as a result, Probation ends up getting pushed and pulled in different directions, and being reactive, as opposed to working proactively towards clear, well-understood department goals. The Department seems to lack a guiding philosophy shared

throughout the Probation Department to inform their decisions and actions. The Oversight Commission should work to ensure development of and compliance with a clear mission and strategic plan that is felt throughout the department.

- **Need for Improved Communication Between Oversight Entities.**
The Commission should promote improved communication between and among existing probation oversight entities. The current lack of coordination and clear lines of communication makes the Probation Department susceptible to critiques, and even lawsuits.
- **The Oversight Commission Should Streamline Information, Recommendations, and Requests to Probation**
There is a significant need to streamline the process by which oversight bodies request information from Probation to avoid duplication and the unnecessary expenditure of Probation time and resources spent responding to multiple agencies, generating reports, and repetitive questions. There should be a mechanism by which a single oversight body has the authority to compile inquiries and requests for information; receive information and reports from all citizen oversight or advocacy groups; evaluate information; and, synthesize duplicative requests and/or repetitive concerns. This Oversight Commission should be the sole oversight entity to which Probation responds with requests for information. Such streamlining might also save County resources.
- **The Commission Should Facilitate Implementation of Recommendations**
There is a lack of follow-through for current oversight reports and recommendations. There is a need for strategic and work action plans that incorporate continued review and improvement based on data and outcomes. There is also a need for multidisciplinary interaction and communication to implement recommendations.
- **Separate Clearance Process for VISTO**
There should be a separate clearance process for VISTO (volunteers and interns) from Human Resources Employment processing/clearance. At the same time, we have to take special precaution and measures to screen who can come in to facilities. (Ex: we have to ensure we don't allow a pimp in to solicit girls, etc.)
- **Need for job readiness/training**
Vocational training and job readiness, preparation, and training should be prioritized and offered, especially to youth in the juvenile probation camps.
- **Need for Evaluation**
There should be a thorough, constructive, "friendly" 360 evaluation of all departments, individuals, and agencies involved in probation. Currently, judges,

and many other stakeholders are not evaluated in a meaningful, constructive way, and they should be to promote ongoing improvements of the system.

- **Substance abuse**

Substance abuse is a terrible problem for youth in the juvenile and criminal justice systems. All youth in the juvenile justice system should receive the services available to youth in drug court (which exist in three of eight locations). We should take the drug court model and employ it for all kids. Probation must also communicate and work in closer collaboration with substance abuse programs. It is unacceptable that a youth who tests dirty from probation can still graduate from a substance abuse program (which might test the youth at different times).

- **Families/Relatives**

There needs to be greater work done to find extended relatives for youth who are frequently sent to juvenile hall for lack of a stable family situation. There is a failure to identify relatives and even fathers who might be available to care for a court-involved youth. There also should be family-centered access to all county services relative to successful rehabilitation and the prevention of recidivism.

- **Mental health services and counseling**

We need greater services for youth who are deemed “not competent” to stand trial. The court cannot order mental health services for youth who are not under the court’s jurisdiction. Mental Health services, restorative justice services, and counseling should all be available for those youth.

- **Need for a Strategic Plan for Juvenile Justice in Los Angeles County**

To address the current, siloed structure with multiple bodies looking at what probation is doing, we need a new, comprehensive strategic plan for juvenile justice in Los Angeles County. This plan must include collaboration and integration of all involved, and embody multiple, disparate disciplines. All stakeholders need to be represented at the table, including parents and family members of probationers. This plan would be in alignment with the new strategic plan for the County of Los Angeles. Questions about this strategic plan could be great interview questions for candidates for the new Chief of Probation.

- **Need for a Juvenile Justice Commission**

On the juvenile side, there is a need for a commission to assume the responsibilities allocated to a juvenile justice commission under the WIC § 229. The Board of Supervisors should afford the new Oversight Commission the powers of a juvenile justice commission, in addition to other responsibilities and authority for adult and juvenile oversight. In other counties, a juvenile justice commission is established through the county charter. The structure should and could be changed back in Los Angeles County so that we have one, as well.

- **The Juvenile Reentry Council should be reinstated.**

The Juvenile Reentry Council was disbanded because Probation felt it was too much work to manage. There remains a critical need for it, however, and it should be reactivated.

- **Juveniles Need Tailored Support from Prevention through Reentry**
There is a need for one case plan, including multi-disciplinary allied agencies, with a case manager to follow youth - from low risk youth to the most serious offenders – from prevention through reentry.
- **The Probation Department Should Build on Probationers' Strengths** There is a need for a greater strengths-based approach throughout the County.
- **AB 216 has Proven Problematic for Confined Probation Youth**
The ability to graduate with fewer credits leads to probation youth completing their credits while in camp or the halls, before completing their term of confinement. As a result, youth are sitting around with nothing productive to do. These youth need to be engaged in educational enrichment, job training, and other productive learning opportunities to help prepare them for successful reentry.
- **The pre-plea report system in Los Angeles County is complicated at best, but potentially harmful to youth who have not yet been adjudicated, and potentially do not necessarily belong on probation.**
We have heard a number of concerns about this practice, which is unique to Los Angeles County (and Riverside), and potentially impacts probation's caseload (and effectiveness). Because Probation officers are tasked with writing these pre-plea reports, in lieu of disposition reports, they cannot obtain the full picture and all of the information that might be necessary and helpful for disposition and subsequent services. This practice merits another look.
- **Services Integration Branch is inadequate to handle the follow-through. For example....**
- **Special Protections for TAY**
There must be special protections for transition age youth (TAY) – ages 16 – 24 – within the Department. Such protection might come in the form of a special TAY division within the Department; or, inclusion of TAY in the juvenile division.
- The Probation Department should separate DRC adult and juvenile lobby entries, so children and youth do not have to comele with adults in the lobby areas.
- The Commission should pay special attention to the need to evaluate, assess, and afford special protections for crossover youth. Staff should receive special training in the area of crossover youth. *(Note Judge Nash's point about LGBTQ youth, disproportionality, and the need to afford special protections for so many*

categories of vulnerable youth in the system.... We need to discuss how best to address this issue of particularly vulnerable populations....)

DRAFT

- Recommendations are organized into 5 Key Categories:

- I. Merge, Replace, Reconfigure or Expand Existing Entities**
 - II. Identify Overlaps & Gaps; Define Coordination**
 - III. Identify Investigative & Monitoring Needs**
 - IV. Determine Relationship of Juvenile & Adult**
 - V. Define Commission Structure, Authority, Responsibilities**
-

I. ANALYSIS OF CURRENT OVERSIGHT LANDSCAPE:

DETERMINE WHICH COMMISSIONS OR OVERSIGHT ENTITIES CAN BE MERGED, REPLACED, RECONFIGURED, OR EXPANDED

- **Sybil Brand**

We recommend that the Board of Supervisors sunset the Sybil Brand Commission's responsibility to oversee Probation Department functions. There is a clear need for ongoing, consistent reporting and monitoring of the Probation Department, and the Working Group feels it is important to unify Los Angeles County Probation Oversight efforts under one body. Under its configuration, the Sybil Brand Commission lacks the authority and capacity to provide that function. The Working Group believes there may be considerable overlap between role of Sybil Brand Commission and some of the potential responsibilities of the new Probation Oversight Commission.¹ We therefore recommend the Board of Supervisors sunset the role of the Sybil Brand Commission with respect to Probation Oversight. Doing so will require a change to the Los Angeles County Ordinance.²

- **Civil Grand Jury**

We recommend that their reports are not only submitted to the BOS, but also the new Commission, and then included in centralized database and distributed to all relevant stakeholders.

- **Auditor-Controller's DOJ Project**

The Working Group recommends that inspections of juvenile facilities must be conducted by individuals with the authority to make unannounced visits

¹ The Sheriffs Oversight Working group came to a similar conclusion, with which we concur. *See Report to the Los Angeles County Board of Supervisors from the Working Group Civilian Oversight Commission for the Los Angeles County Sheriff's Department:* <http://ceo.lacounty.gov/pdf/Final%20Report%206-22-15.pdf>

and talk with the youth. The working group believes there should be continued monitoring,³

- **Probation Commission**

Discuss after they present to us. Read and discuss their letter – put on agenda for future meeting when they present. Consider points Judge Nash made.

- **Ombudsman**

(1) The Working Group unanimously agrees that there should be an ombudsman who has staff and resources.

(2) *Placement of Ombudsman (e.g., on the Commission v. in the Department and report to the Chief – remains TBD, we might have a split vote on this issue...*

Notes from our 8-17 meeting and discussion about this issue:

Discuss placement of the office (in v. out of Probation Department), and need for increased support and resources for that office. The role and function should be replaced with ...? We need someone who is able to talk to the kids, people need to know who s/he is....

Cal- want someone the kids can relate to; to whom they would feel comfortable sharing, “I filed a grievance but no one is listening.”

Kids need someone they can talk to... different from investigation.

Question of placement of the Ombudsman:

One view: Ombudsman serves as an Internal auditor, but sits on the Commission. Shares report with the Chief and the Commission. Needs to be out there. Position should be independent of the Probation Department. Global. Ombudsman can resolve issues between staff and the kids. Important that staff know him/her, and that he/she can handle things at the lowest level.

Contrasting view: The Ombudsman should be a direct report to the Chief. Don't want to create additional bureaucracy. Less likely to be able to promote change if this position sits under a body that is outside of Probation Department.

³ The Working Group recommends a move to outcome-based reviews, and believes the new Commission should have the ability to work in consultation with the Auditor-Controller's office as necessary, especially where document review and a subsequent report is required.

II. IDENTIFY OVERLAPS AND GAPS IN RESPONSIBILITIES FOR THE COMMISSIONS THAT WILL REMAIN. RECOMMEND HOW BEST TO COMMUNICATE AND COORDINATE OVERSIGHT EFFORTS.

- a) **Need for a “Live” and Current Database – an info Clearinghouse**
The Commission should maintain an active website, that includes a live database to house all reports; status updates on recommendations and follow-up. This database should include links to the various reports and be available and easily accessible by the public, county departments, citizen oversight entities, advocacy groups, etc. to promote transparency and facilitate monitoring and oversight. This Commission should then streamline the flow of information, reports, and recommendations into a comprehensive system that addresses and responds to concerns.
- b) **Strengthen the Partnership Between LACOE and Probation**
The Oversight Commission should take special care to clarify the role between Probation and LACOE, and help ensure coordination and an effective process for the two agencies to work together, share information, and report regularly (to one another and to the Commission) about the educational progress of probationers. The Senior Director of Education Services in the Los Angeles County Probation Department, should report directly to the Chief Probation Officers, as originally designated when the position was established. The Chief Probation Officer and the Superintendent of LACOE should work together on comprehensive education reform. The community college district should be intentionally included in this collaboration, and in a revised reporting structure, as well.

III. IDENTIFY INVESTIGATIVE AND MONITORING NEEDS FOR PROBATION AND STRUCTURE OF THE NEW COMMISSION.

INSPECTIONS

- a) Currently, __ Commissions are charged with inspecting __ facilities __ times per year. (Include Juvenile and Adult...) There is a need to ensure through, ongoing (monthly?) inspections and follow up. That will require a robust, paid staff and resources. Also consider how to engage the judges in a more comprehensive way. *Note: fill this section in with modified chart from Amalia...*
- b) The Probation Commission is tasked with oversight with inspecting ALL of the juvenile facilities. WIC § 245 (*Discussion of two conflicting county counsel and state leg counsel opinions.*) *Perhaps assign JJC responsibilities to the new Commission? Need to discuss...*

- c) With respect to inspection of adult facilities, the Probation Commission is not charged with oversight of any custody facilities, just 2 DRCs, as well as supervision and investigation. (flesh this section out with additional notes from Reaver's presentation)
- d) **The Oversight Commission Should Facilitate Coordination and Communication about Inspection Results.**
Currently, when a Sybil Brand Commissioner conducts an inspection, and a Probation Commissioner conducts an inspection, the information and findings are currently rarely (or never) shared between commissions. The Oversight Commission should work to ensure that all visits and inspections are coordinated; information is shared; and follow-up is conducted in a timely manner.
- e) **Multi-Disciplinary Teams Should Conduct Inspections of Facilities and Group Homes**
The Commission should ensure that interdisciplinary teams of people conduct inspections of facilities. For example, when a judge goes to inspect a juvenile high school, someone from LACOE should accompany him/her to help ensure appropriate educational questions are addressed. The Oversight Commission should help facilitate these interdisciplinary visits that include individuals from different agencies, disciplines, organizations, and existing oversight entities. All teams should include individuals and agency representatives authorized to make unannounced visits, and to speak with probationers. (When youth are interviewed, counsel should be notified in advance.)

IV. DETERMINE WHETHER OVERSIGHT FOR JUVENILE AND ADULT SHOULD BE SEPARATED OR MERGED, AND HOW IT SHOULD BE STRUCTURED.

- a) **Recommendation as to whether oversight is needed to assess juvenile and adult probation operations collectively as a whole or separately.**
The Working Group unanimously agrees there is a need for oversight of both juvenile and adult probation. We believe there should be one single Commission that include staff members with subject matter expertise in both areas (adult and juvenile).
- b) The Working Group believes that, at a minimum, the Probation Department should include two separate divisions for both adult and juvenile. We further believe the juvenile division should include TAY.

To continue discussing (notes from our 8-17 meeting);

- Could be stronger – we could have one probation “Agency” with two separate Departments – a Department for Juvenile and a

separate Department for Adult Probation. That would mean having one Chief PO who oversees both Departments, with a Chief of Juvenile Services, and a Chief of Adult Services.

- *We haven't looked outside of Los Angeles for other models, and should do that (and work with the Consultant on that) to inform our thinking in this area.*

V. STRUCTURE, AUTHORITY AND RESPONSIBILITY OF THE NEW COMMISSION

AUTHORITY OF THE COMMISSION

a) The Oversight Commission Must Have Resources

A permanent civil oversight commission should be an independent body with sufficient resources, staff, and support to be effective and have the ability to get things done, including an Executive Director, professional staff, and dedicated office space. The Commission Office should not be located within the Probation Department. Oversight Commissioners should be compensated for their time and work.

b) The Oversight Commission Must Have the Authority to Ensure Compliance and Accountability

The Oversight Commission must have the legal authority and a meaningful enforcement mechanism to hold the Probation Department accountable. Such authority might include the ability to require a response from the Chief Probation Officer or designee on an action, report, or corrective measure within a reasonable period of time. The Commission also needs the ability to respond in a timely fashion (or generate a timely response from the appropriate party) to concerns and issues raised.⁴

c) Capacity for Budget Oversight

Financial issues and questions present ongoing concerns. Probation should be required to present budget proposals to the Oversight Commission for approval at the beginning of the BOS annual budget review process. The oversight commission should require Probation to hold a minimum of one to two additional community input hearings. (Note: add language to acknowledge the Commission cannot “approve” budget requests, but can recommend approval or denial to the Board of Supervisors...)

d) JJCC should be moved out from under the CCJCC and put under The Commission. The Commission should approve JJCPA funding and budget proposals prior to submission. (Note: COUNTY COUNSEL

⁴ *Note:* County Counsel to review county, charter ordinances ...

WILL LOOK AT THE OPTIONS HERE, and we can discuss more after the 9-14 meeting when JJCC presents...)

e) The Oversight Commission Must Have Access to Complete Files to the Extent Allowable by Law to Conduct Its Oversight Work.

A single person's report does not paint the entire picture. Commissioners and teams conducting oversight must be able to assess issues that involve multiple agencies (e.g., probation, education, mental health, etc.), and gather information to collect data and look for trends. The Juvenile Court should also be included and play a greater role in juvenile probation oversight. To avoid any conflict, a juvenile court judge might participate in an advisory fashion, rather than as an appointed member. (Note –to ensure protection of privacy issues, look at OIM reports.)

f) Clarity around Legal Implications of an Oversight Commission

We need greater clarity with respect to the legal implications of creating a new, separate oversight probation commission. We will enlist the help of County Counsel and the CEO's office to assist with that effort. Need to come to some conclusion with respect to the two opposing legal opinions on juvenile probation commission.

RESPONSIBILITIES OF THE COMMISSION

g) New Commission Should be a voting member of CCJCC

Add language to flesh this recommendation out...

h) Oversight of JJCPA funding

As part of its budgetary oversight responsibilities, the Commission should ensure that JJCPA money is used to provide youth with pre-dispo services as soon as possible to prevent removal from the home and entry / deeper entry into the juvenile justice system. The Commission should also review the number of youth in juvenile hall who should not be there, and who should instead be benefitting from community-based services supported by JJCPA funds.

i) Oversight over treatment of low-risk youth

The Commission should provide/ensure rigorous oversight over the treatment of low risk youth to avoid net-widening, and deeper entry into the juvenile and criminal justice systems. The literature suggests we must be very careful about how we treat "low risk" youth so we do not inadvertently funnel more youth into the juvenile and criminal justice systems. While many youth do need community-based services, Probation needs to improve its ability to identify and access appropriate services tailored to youth at different stages of their development. The Commission must also take care to ensure oversight over the Probation Department's referral system, and ensure that it encompasses the full array of

prevention as well as intervention and rehabilitation services needed. The Commission should pay special attention to provide oversight over the 236 and active investigation cases.

j) Oversight over Reentry Services

The Commission should work to ensure greater oversight over Probation's use of community-based services, for prevention services as well as for probationers upon reentry.

k) Oversight over Assessment and Screening

The Commission should help ensure adequate oversight over the use of assessments and screening tools, to ensure they are connected, consistent with best practices and a strategic plan (once Probation develops one), and that recommendations are properly implemented.

l) Capital Improvements

Capital Improvements should be included as a part of ongoing oversight.

m) The CERC Quarterly Report Should Serve as a Model

The Commission might look to the CERC quarterly report (including corrective actions plans, recommendations, and follow-up) as a potential model for other/all entities to utilize to stay current with respect to various issues, actions, recommendations, and status updates. This process was just changed for juveniles, and might be replicated on the adult side (where it currently does not exist), as well.

STRUCTURE OF OVERSIGHT COMMISSION

n) Need for Independence of an Oversight Commission

The Oversight Commission should be independent from Probation and all county departments. This Commission should be interdisciplinary, and have the ability to influence policy. It must also have the requisite support and personnel to be effective (a healthy budget, staff, tech support for an interactive database, etc.).

o) Recommendation re Separate Oversight Commissions

We should one probation oversight commission with separate subcommittees for Juvenile Probation and Adult Probation. (Note: this recommendation would (might?) require legislative changes in the Welfare and Institutions Code, as well as the county charter.)

p) Oversight Should be Divided into two areas: (1) Monitoring and (2) Practice, Development, and Accountability

A monitoring subgroup of the Oversight Commission could oversee both adult and juvenile monitoring. If this monitoring group discovers any policy violation, it will serve as the ethical group to review, assess, and make a determination. A separate group for practice, development, and accountability, however, should be

divided into adult and juvenile divisions. The juvenile subgroup should be well-informed and understand the research and literature around juvenile justice, and partner with Probation to help make the department more responsive to the unique needs of juveniles. The adult division of the practice, development and accountability subgroup will serve the same role for the adult probation population.

q) Reporting Authority

The Oversight Commission should report back directly to the Board of Supervisors. If, after corrective actions are recommended (or directed), deficiencies continue or Probation shows a lack of responsiveness, this entity will have direct access to the BOS.

COMPOSITION AND QUALIFICATIONS OF THE OVERSIGHT COMMISSION

r) Inclusion of the Courts in Oversight (of adult and juvenile)

In the spirit of collaboration and integration, the Courts need to be included in an ongoing and meaningful way as part of all Probation oversight efforts. Courts are currently removed from oversight of Probation. Los Angeles County is an outlier in that respect – we are the only county in the state where courts are not duly authorized body for oversight. Inclusion of judges in the oversight commission can begin to remedy that void.

s) There Must be Community Involvement in Oversight.

Community-based organizations that serve probationers have tremendous expertise and ideas, and must be invited to the table to help weigh in on the oversight process and recommendations for reform. The CBOs must also be held accountable with respect to the services they provide. CBO representation should be included on the Oversight Commission, and in the discussion about the standards to which CBOs must be held accountable.

t) DCFS and the Department of Mental Health Should be Included in Collaborative Oversight Discussions

The Commission should work to facilitate improved collaboration between and among the departments, and to bring mental health into the discussion. There are too many cases involving crossover youth and youth with mental health issues where everyone thinks someone else (a different department) is handling an issue. As a result, critical needs go unaddressed.

u) Role of the Ombudsman

The Ombudsman should be included as part of the Probation Oversight Commission, and be made completely independent of the Probation Department. Currently, when the Ombudsman makes recommendations, they appear to fall into a “black hole.” We need a thorough fiscal analysis to assess the feasibility of a new staffing structure to support the Ombudsman and ensure that her recommendations are carried out.

v) Qualifications of Oversight Commissioners

Oversight Commissioners should have background and experience in a variety of disciplines, including Probation, Rehabilitation, Mental Health, Public Health, Education, Health Care, Social Work, Facilities, Law Enforcement. This body should be an interdisciplinary one.

DRAFT